

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Drawings

Applicant respectfully requests that the Examiner accept the formal drawings submitted on February 27, 2004.

Disposition of Claims

Claims 1-12 are pending in this application. Claims 1-3 and 11 are independent. The remaining claims depend, directly or indirectly, from claim 1-3 or 11.

Claim Amendments

Independent claim 1 has been amended to specifically recite that a shortest distance between the reference point and the second tangential plane is between half of a coherent length of the incident light and 20 μm . Independent claims 2, 3, and 11 have been amended to recite the similar limitation. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in paragraph [0070] of the publication of the Specification. Further, these amendments do not raise new issues or require new search, or at least simplify issues for appeal. Accordingly, entry and favorable consideration is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 1-4 and 6-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,285,425 to Atkins *et al.* (hereinafter “Atkins”). Independent claims 1-3 and 11 have been amended as explained above. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

MPEP § 2131 makes it clear that a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. Applicant respectfully asserts that Atkins does not show or suggest all of the limitations of the amended claims.

Claim 1 requires, in part, “wherein a shortest distance between the reference point and the second tangential plane is between half of a coherent length of the incident light and 20 μm .” Applicant respectfully asserts that Atkins does not show or suggest at least the above limitation of the amended claims.

The Examiner alleges that, “Applicant’s arguments disclose a L_c values being approximately 3 microns. Therefore distance D_p must be greater than $L_c/2$ which would be roughly 1.5 microns since Atkins discloses a distance 262 to be between 100 and 200 microns since D_p is between $1/4^{\text{th}}$ to $1/2$ that of length which are easily over 1.5 microns” (*see* Office Action dated March 23, 2007, at page 3)

As an initial matter, as explained in the previous Response dated December 12, 2006, Applicant respectfully asserts that the term “a coherent length” as required in independent claims 1-3 and 11 (hereinafter “coherent length $L_c(A)$) is completely different from a general coherent length (hereinafter “coherent length (B)). Specifically, the term “coherent length” has been clearly defined in paragraph [0040] of the publication of the Specification, *i.e.*, “coherent length

Lc is a value provided by dividing the coherent length within the air by the refractive index of a medium transmitting light therethrough.” Therefore, for example, “a coherent length” as recited in independent claims 1-3 and 11 is provided as follows:

$$\text{coherent length } Lc(A) = \text{coherent length } (B) / n = 3 / 1.5 = 2$$

(where coherent length (B) : $3.0\mu\text{m}$ and the refractive index of a medium $n = 1.5$)

Accordingly, Applicant respectfully asserts that a skilled artisan would recognize “Lc” alleged by the Examiner as set forth above is the coherent length (B), not the coherent length Lc(A).

Next, in contrast to amended independent claim 1, Atkins fails to show or suggest at least the feature that a shortest distance between the reference point and the second tangential plane is between half of a coherent length of the incident light and $20\mu\text{m}$. In fact, Atkins teaches that the distance Dp, which allegedly corresponds to the distance as required by claim 1, is $25\text{-}50\mu\text{m}$. Specifically, because the Examiner alleges that the length 262 denoted by the Examiner is between 100 and 200 microns and Dp is between $1 / 4^{\text{th}}$ to $1 / 2$, the distance Dp is between 25 and 100 microns, which is clearly different from the distance that is between half of a coherent length of the incident light and $20\mu\text{m}$. Therefore, Atkins necessarily cannot show or suggest at least the feature that a shortest distance between the reference point and the second tangential plane is between half of a coherent length of the incident light and $20\mu\text{m}$, as required by amended independent claim 1.

In view of above, Atkins fails to show or suggest the invention as recited in independent claim 1. Thus, independent claim 1 is patentable over Atkins. Further, in view of the similarity between the limitation of amended independent claims 2, 3 and 11 and the limitation discussed above with respect to amended independent claim 1, Applicant respectfully submits that the

foregoing arguments as to the patentability of amended independent claim 1 also demonstrate the patentability of amended independent claims 2, 3 and 11. As such, it is respectfully submitted that claims 2, 3 and 11 are patentably distinguishable over the cited references at least for reasons analogous to those presented above. Claims 4, 6-10 and 12, directly or indirectly dependent from independent claim 1 or 3, are allowable for at least same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being obvious over Atkins.

As discussed above, Atkins does not show or suggest all the limitations of amended independent claim 3. Thus, amended independent claim 3 is patentable over Atkins. Claim 5, directly dependent from claim 3, is allowable for at least the same reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/107001).

Dated: May 22, 2007

Respectfully submitted,

By: 

Thomas K. Scherer
Registration No.: 45,079
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant



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Amendment Transmittal (1 page)
Response to Final Office Action dated March 23, 2007 (10 pages)
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